1	GILBERT, KELLY, CROWLEY & JENNETT LLP TIMOTHY KENNA		
2	1055 West Seventh Street, Suite 2000 Los Angeles, California 90017-2577		
3	Telephone: (213) 580-7000 Facsimile: (213) 580-7100		
4			
5	Attorneys for Plaintiffs, UNDERWRITERS INSURANCE COMPANY, NORTH AMERICAN CAPACITY INSURANCE CO.		
6			
7			
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10			
11	NORTH AMERICAN CAPACITY INSURANCE COMPANY, as successor in	Case No. C 03-05521 WDB	
12	interest to UNDERWRITERS INSURANCE COMPANY,		
13	Plaintiffs,	STIPULATION AND ORDER OF DISMISSAL PURSUANT TO FEDERAL	
14	V.	RULE OF CIVIL PROCEDURE 41(a)(1)	
15	TURNER CONSTRUCTION COMPANY, a	) )	
16	corporation; JAMES E. ROBERTS-OBAYASHI CORPORATION; WILLIAM LYONE HOMES,		
17	INC., a corporation, DAME CONSTRUCTION CO., INC., a corporation, GONSALVES &		
18	SANTUCCI, d/b/a CONCO CEMENT COMPANY;,	) ) )	
19	Defendants.		
20			
21	IT IS HEREBY STIPULATED by and between Plaintiff, NORTH AMERICAN		
22	CAPACITY INSURANCE ("NAC") and Defendant, EMPLOYERS INSURANCE OF WAUSAU,		
23	by and through their undersigned counsel that the complaint of NAC, and all related causes of		
24	action, against EMPLOYERS INSURANCE OF WAUSAU, are hereby dismissed with prejudice		
25	pursuant to Federal Rule of Civil Procedure, Rule 41(a)(1).		
26	///		
27	///		
28	///		
Gilbert, Kelly Crowley & Jennett LLP	STIPULATION AND ORDER OF DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE		
Attorneys at Law	41(a)(1) 1264001.2 61201-00004 TWK		

## Cascase 3:03-05-525521DBDD Document nt 42043 Filed 023433132000 6 Page 2 2 2 2 3 1

1	As a result of a settlement reached between the parties, each side is to bear their own fees	
2	and costs herein.	
3	Dated: March 28, 2006	GILBERT, KELLY, CROWLEY & JENNETT LLP
4		
5		By: /S/
6		TIMOTHY KENNA Attorneys for Plaintiffs,
7		NORTH AMERICAN CAPACITY INSURANCE COMPANY AS SUCCESSOR
8		IN INTEREST TO UNDERWRITERS INSURANCE COMPANY
9		INSURANCE COMI AIVI
10	Detail Nevember 16, 2005	CENNI MELILEMANIC LI D
11	Dated: November 16, 2005	SENN MEULEMANS LLP
12		
13		By: <u>/S/</u> WAYNE BURKAMP
14		Attorneys for Defendants, EMPLOYERS INSURANCE OF WAUSAU
15		EMIT LOTERS INSURANCE OF WAUSAU
16	IT IC CO ODDEDED	To Base
17	IT IS SO ORDERED	Julier Warmer D. Berard
18	Dated: April 3, 2006	By: HONORABLE WAYNE D. BRAZIL
19		UNITED STATES MAGISTRATE JUDGE
20		
21		
22		
23		
24		
25		
26		
27		
28		
elly nett LLP t Law	STIPULATION AND ORDER OF DIS	-2- SMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)

Gilbert, Kelly Crowley & Jennet Attorneys at La

Gilbert, Kelly Crowley & Jennett LLP Attorneys at Law